

REMARKS

Of the elected claims, claims 1-15, 28-30, and 33-37 stand rejected. No new claims have added. No claims have been canceled. Claim 15 has been amended.

I. Rejections Under 35 U.S.C. § 112

Claim 15 stands rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 is currently amended by the removal the word "said" and the insertion of the word "a" to properly point out and distinctly claim the invention.

II. Rejections Under 35 U.S.C. § 102(e) and § 103

Claims 1-15, 28-30, 33-37 stand rejected under 35 U.S.C. § 102(e) or § 103 as being anticipated or made obvious by Chen et al. ("Chen"; United States Patent No. 6,684,206 B2).

Enclosed with this response is the declaration of Ashok Shrivastava. The declaration sets forth that the present invention were conceived prior to May 18, 2001. It also sets forth that from May 18, 2001 until July 23, 2001, the inventors had exercised due diligence and worked with the patent attorneys at Howrey, Simon Arnold & White for filing the application

Thus, United States Patent No. 6,684,206, filed May 18, 2001, is not prior art for the current application. As the examiner used the '206 patent to reject each pending claim of the current application, those rejections should be retracted.

III. Abstract

The abstract is amended as per the examiner's suggestion to avoid the use of language that can be implied.

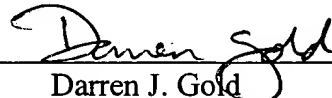
CONCLUSION

Applicant respectfully submits that all claims are in proper form and condition for patentability, and requests a notification of allowance to that effect. Outside the fee for the Extension of Time Petition, it is believed that no other fee is due at this time. Should any fee be required for any reason related to this document, however, the Commissioner is hereby authorized to charge any additional fees that may be due, including extension fees, or credit any overpayment to our Deposit Account No. 08-3038 (Order No. 00982.0004.NPUS00).

Respectfully submitted,

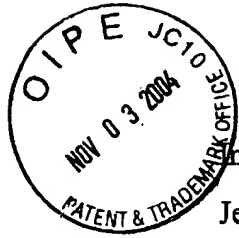
HOWREY SIMON ARNOLD & WHITE, LLP

By



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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jeremy Stein Cohen, et al.

Application No. 09/912,280

Filed: 23 July 2001

For: *System and Method for Analyzing
Transaction Data*

Group Art Unit: 2173

Examiner: Raymond J. Bayeri

Attorney Docket No.: 00982.0004.NPUS00

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Technology Center 2100

DECLARATION PURSUANT TO 37 C.F.R. §1.131**BOX ISSUE FEE**Assistant Commissioner for Patents
Washington D.C. 20231

Sir:

I, Ashok Srivastava, do hereby declare as follows:

1. I am a co-inventor of the above-identified application. I received Ph.D., MS, and BS degrees in Electrical Engineering from the University of Colorado at Boulder. I was employed at Blue Martini from Feb 14, 2000 to August 18, 2002. At Blue Martini, I was a Senior Director. I am currently employed at NASA Ames Research Center.

2. I contributed to the conception and reduction to practice of the above-identified application. I was involved with the entire process of filing the patent application.

3. I reviewed the newly discovered reference U.S. Patent 6,684,206, which was issued on January 27, 2004. The patent was filed May 18, 2001. The patent does not claim priority to any other patent or application.

Serial No. 09/912,280
Attorney Docket No. 00982.0004.NPUS00

4. The present invention was conceived prior to May 18, 2001 and was coupled with due diligence from prior to May 18, 2001 to the filing of the application on July 23, 2001. A copy of a computer program created while at Blue Martini is enclosed herewith; the non-relevant but proprietary portion of the record is redacted. The attached program is from before May 18, 2001. The attached program shows that the inventors were performing work on a node focus matrix, a part of COLAP prior to May 18, 2001. From May 18, 2001 until July 23, 2001, I and/or other co-inventors including Jeremy Cohen exercised due diligence and worked with the patent attorneys at Howrey Simon Arnold & White to file the application. During this period, I and/or other co-inventors including Jeremy Cohen also were continuing to test and implement the invention.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the making of willful false statements and ~~the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the~~ United States Code and that such willful statements may jeopardize the validity of the applications or any patent issuing thereon.

Respectfully submitted,

Dated: 2004/1/02



Ashok Srivastava

```

%-----
%-----
%-----
%-----
%-----
%Function Name:  COLAP
%
%Function Call:  COLAP
(clientName,Click_Lines,TheNodeNames,NumForwardSteps,NumBackwardSteps,InitialTargetNodeShowLifts)
%
%Author: Jeremy Cohen
%Original Date:
%
%Description:  Launches the Clickstream OLAP tool for investigating
%              clickstream patterns visually.
%
%Modified By:
%Modified Date:
%Modifications:
%
%-----
%-----
%-----
%INPUT REQUIREMENTS: [optional]
%
%              clientName: a string with the name of the client (may be
%              '');
%              Click_Lines (Nx(M>=3)): matrix of clicks in sequential
%              order (based on Mine_Click_Lines in CIS/DSS)
%              - must contain:
%              - SSN_ID in column 1 = session identifier
%              - Seq_Num in column 2 = sequence # of
%              session
%              - Node_ID in column 3 = lowest level node
%              id
%              - these must be numbered starting
%              from 1 by 1's
%
%              - may contain:
%              - Node_category
%              - assortment_id associated with this click
%              - product_id associated with this click
%              - others
%
%              TheNodeNames: a cell vector such that TheNodeNames(i) =
%              the name of the node with node_id=i in Click_Lines
%
%              [NumBackwardSteps]: the number of clicks to look backward
%              initially (default = 3)
%              [NumForwardSteps]: the number of clicks to look forward
%              initially (default = 3)
%              [InitialTargetNode]: the initial target node id (default=1)
%              [ShowLifts]: 1 to show lifts vs. entire population, 0 to
%              show straight probabilities (default = 0);
%
%
%
%
%OUTPUT:

```

```

%
%
%MODIFIES:
%      COLAP will close any open figures.
%
%OTHER INSTRUCTIONS:
%
%-----
%-----
%-----
%Notes/Issues:
%      %have to set target node in command line if not shown on plot
%Known Bugs:
%      % will fail if NumBackwardSteps > -1 and focus = ENTER
%      % will fail if NumForwardSteps < 1 and focus = EXIT
%
%Potential Enhancements:
%      (1) allow collapse of time (0-10) (11-20) (21-30)
%      (2) allow filters on session criteria (did they buy,
customer is male, longer than 10 clicks,...)
%      (1) filter out short paths (and produce report on them)
%      (2) see if weblogs can be used
%      (3) Code Review
%      (4) enable filter by discrete session characteristic
%      (5) think about more automatic "pattern searches" like:
%          'low dispersion -> high dispersion -> low dispersion'
%      (6) hierarchical time dimension (collapse steps 0-10,11-
20,21-30...)
%      (7) colors on plot: lift?, proximity to exit?,
demographics?
%
%See also:
%
%-----
%----- BLUE MARTINI SOFTWARE -----
E-BIS --
%-----
%-----

```

```

function COLAP
(clientName,Click_Lines,TheNodeNames,NumForwardSteps,NumBackwardSteps,In
itialTargetNode,ShowLifts)

```

```

a.clientName = clientName;
a.TheNodeNames = TheNodeNames;
a.Click_Lines = Click_Lines;

```

```

%filter out clickstreams of length <=5
% DEBUG: added on 7/25
%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%
%short_session_thresh = 5;
status = 'Building Session Cube'
a.SessionStats = unique_count(Click_Lines(:,1));
%short_session_list = a.SessionStats(find(a.SessionStats(:,2)>
short_session_thresh),1);
%a.Click_Lines_Short_Sessions = Click_Lines(find(~ismember(Click_Lines
(:,1),short_session_list)),:);
%a.Click_Lines = Click_Lines(find(ismember(Click_Lines
(:,1),short_session_list)),:);

```

```

%a.SessionStats = a.SessionStats(find(a.SessionStats(:,2) >
short_session_thresh),:);
a.SessionPathLength = zeros(max(max(a.SessionStats(:,1))),1);
for j=1:length(a.SessionStats)
    if a.SessionStats(j,2) < 10
        a.SessionPathLength(a.SessionStats(j,1)) = 2;
    else
        if a.SessionStats(j,2) < 31
            a.SessionPathLength(a.SessionStats(j,1)) = 3;
        else
            a.SessionPathLength(a.SessionStats(j,1)) = 4;
        end
    end
end
end
%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%%

switch nargin
case 7
    a.NumForwardSteps = NumForwardSteps;
    a.NumBackwardSteps = NumBackwardSteps;
    a.InitialTargetNode = InitialTargetNode;
    a.ShowLifts = ShowLifts;
case 6
    a.NumForwardSteps = NumForwardSteps;
    a.NumBackwardSteps = NumBackwardSteps;
    a.InitialTargetNode = InitialTargetNode;
    a.ShowLifts = 0;
case 5
    a.NumForwardSteps = NumForwardSteps;
    a.NumBackwardSteps = NumBackwardSteps;
    a.InitialTargetNode = 1;
    a.ShowLifts = 0;
case 4
    a.NumForwardSteps = NumForwardSteps;
    a.NumBackwardSteps = 3;
    a.InitialTargetNode = 1;
    a.ShowLifts = 0;
case 3
    a.NumForwardSteps = 3;
    a.NumBackwardSteps = 3;
    a.InitialTargetNode = 1;
    a.ShowLifts = 0;
end

%%% Error checking

%Call the script RunNodeFocus2 with the appropriate data
a.tgt_matrix = [2 0 3 a.InitialTargetNode 0];

% tgt_matrix format:
%   Column 1 specifies phrase type:
%       {COL1}==1 ----> Click_Lines(r+ {COL2},{COL3}) ==
Click_Lines(r+{COL4},{COL5});
%       {COL1}==2 ----> Click_Lines(r+ {COL2},{COL3}) == {COL4});
%       {COL1}==3 ----> Click_Lines(r+ {COL2},{COL3}) ==
Click_Lines(r+{COL4},{COL5});

global global_A global_G;

```

RunNodeFocus2 (a) ;

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